



Hamilton County

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ADMINISTRATOR
Patrick J. Thompson
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To: Board of County Commissioners

From: Patrick Thompson, County Administrator

Subject: Jail Strategic Financing Plan

Date: June 13, 2006

Copy: Simon Leis, Jr.
Ronald Roberts
Christian Sigman

Purpose

The purpose of this memo is to respond to the BOCC approved resolution (Attachment A) calling for the administration to develop a financing plan for the proposed new jail. In developing this plan we examined several options in the areas of financing, revenue generation, construction procurement, site location, and operations. Analysis continues on many of these fronts. The approach in this plan is aligned with the facility recommendations in the Hamilton County Corrections Master Plan (CMP) prepared by Voorhis Associates.

In summary, I recommend the BOCC increase the sales tax from 6.5% to 6.75% for the construction and financing of the new jail. This approach would generate \$32.5 million annually and will limit financing costs because of a shorter financing period of 8-10 years. We are still assessing options for increased operating costs. More detailed operating costs will be determined once the size of the facility, the detailed design, and site location are finalized. The sections that follow provide information as to funding options assessed.

NOTE: We have worked with each of the commissioners as they form their policy positions on this important issue for the county. We will continue to provide objective support in your efforts to come to agreement on the financing, facility size, facility location, etc. I realize a proposal has been announced publicly by a commissioner. My recommendation is based on choosing a funding stream and financing approach to minimize debt service costs for the project. This

recommendation can be modified to include other policy considerations of the BOCC such as an associated property tax rollback as well as the size of the facility.

Cost Analysis

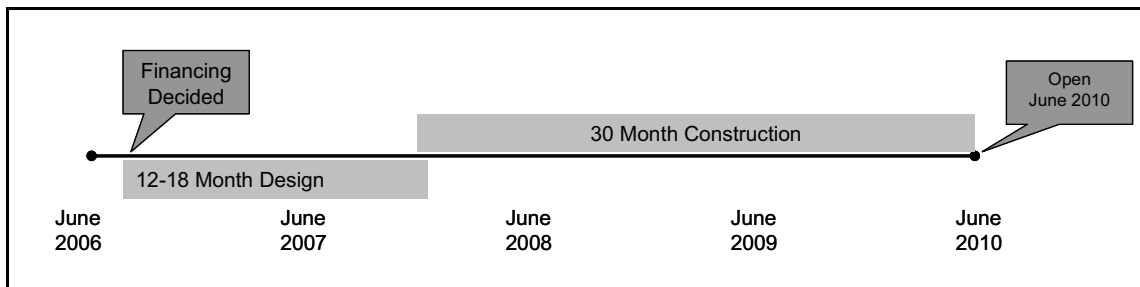
An initial step in developing the financing plan was to validate the cost estimates in the CMP. We have contacted several architectural design firms to reaffirm the cost estimate provided by Voorhis Associates in the CMP report submitted to the BOCC in late 2005. The informal responses from these firms support the \$225 million estimate provided in the CMP for a 1,800 bed jail near downtown. Two of the firms recommended a more detailed analysis of the specific space requirements of each functional area of the proposed facility to possibly reduce the square footage of the building. This will be done during the detailed design phase of the project.

We have also conducted a thorough review of a proposal by URS Corporation to expand the Justice Center. A Justice Center expansion was not examined in detail in the CMP because of several risk factors. URS recently approached the county with a potential solution for a Justice Center expansion based on their work in 1996 to add 600 beds onto the Hamilton County Justice Center (HCJC). At this time, a site near downtown is still the recommended approach as opposed to expanding the HCJC because of the increased construction and operating risks associated with a 1,800 bed HCJC addition. Attachment B includes the Voorhis Associates review of the URS Justice Center expansion proposal.

Schedule

The design and construction of a 1,800 bed facility is estimated to take 42-48 months. Assuming architectural design is complete in early 2007 and no extraordinary delays associated with site acquisition and construction, the new facility would become operational in mid-2010. Until that time, the county would house up to 200 inmates per day at the Butler County jail. These housing costs as well as associated additional transportation and public defender costs will be included in the financing approach as there are insufficient general fund reserves to carry these costs. Figure I provides a major milestone calendar for the jail expansion.

Figure 1 – Jail Expansion Schedule



Capital Cost Options

The estimated construction cost for the 1,800 bed facility is \$225 million. This project will be debt financed; however, the amount, term, and issuing entity have not been finalized. The table below lists various funding sources considered to finance the construction of the facility as well as the operating costs of housing inmates in Butler County during the construction period.

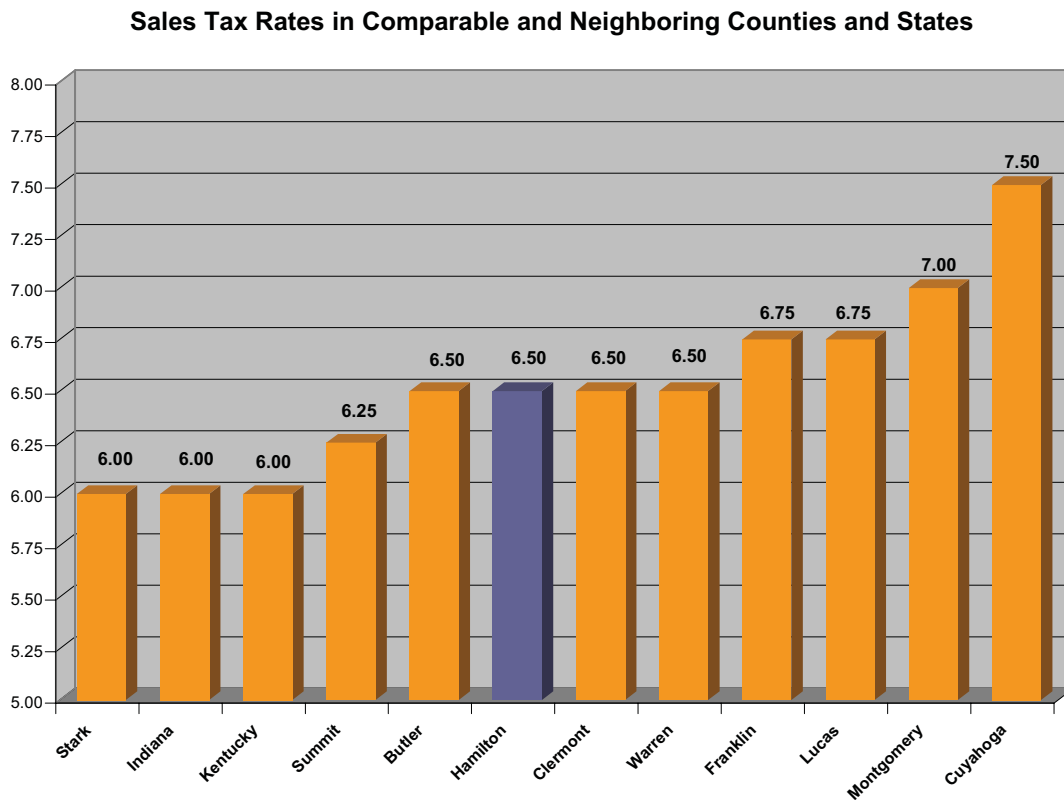
Table I – Potential Capital Funding Sources

<i>Source</i>	<i>Comment</i>	<i>Advantages</i>	<i>Disadvantages</i>
County Sales Tax	Increase the current sales tax rate in some increment from 6.5% to 7.0%. Each 0.25% generates approximately \$32.5M annually.	51 of 88 counties are already at 6.75% or higher. Could be set as ending date certain. 45% of the burden to non-county residents.	Revenue has been flat for 5-years.
Jail Property Tax Levy	A property tax-based levy on the fall ballot. Sized to reflect cost estimate and financing approach.	Could be structured to end date certain.	Adds an additional levy on an already uncompetitive property tax structure.
Per Household Assessment Requires ORC change	Similar to stormwater assessment per property. Assessment would be determined by ultimate cost estimate and financing.	Does not require voter approval. Could be structured to target jurisdictions with high arrest rates. Very visible on tax bill.	Very visible on tax bill. Individual jurisdictions may change arrest procedures or establish relationships with other jails (if legally possible).
Federal “Cap Funds”	U.S. Marshals Service (USMS) capital funding to assist local jails that house federal prisoners. Local support ranges from \$100,000 to \$2-3 million.	May be able to develop a long-term guaranteed housing agreement.	The CAP Funds program has not been funded in several years in the federal budget. USMS is requesting additional funding in 2008 for CAP.
Federal Earmark	Request an earmark in the federal appropriations process via our congressional delegation.	Does not require a local match.	Uncertain success and the length of time to get the federal budget approved.
State DRC Grant	The Department of Rehabilitation & Correction (DRC) has in the past provided funding assistance (grants) to local jails.	Does not require a local match. Butler County received \$10M in 1999.	Uncertain success given the tight state budget. State capital resources are scarce.
City Contribution	The City would provide an annual contribution to offset the construction of the facility.	Recognizes that the City is a major consumer of jail services.	Singles out the City.

Capital Cost Recommendation

Given the magnitude of the project, I recommend that the BOCC consider an increase in the sales tax from the current 6.5% to 6.75%. This increase would generate approximately \$32.5 million annually. As detailed in the graph that follows and in Attachment C the county's sales tax is equal to or less than the other Ohio urban counties. Using this approach would provide resources immediately in 2007 to fund interim operating costs of housing inmates in Butler County and limit financing costs during construction. It is estimated that the sales tax increase would end in 8-9 years.

Graph I – Current Sales Tax Rates



Concurrent with increasing the sales tax rate, we will continue to seek funding support from state, local, and federal sources. To the extent that these resources materialize, the bonds would be paid off earlier and the sales tax increase would end sooner.

Given the magnitude of this project we have been working closely with our bond counsel (Peck, Shaffer, Williams LLP), financial advisors (Public Financial Management Inc.), and the Prosecutor's Office to ensure the proposed financing plan conforms to the Ohio Revised Code concerning permissive sales taxes and prudent debt financing. Attachment D includes an opinion from the Prosecutor's Officer affirming the ability of the BOCC to increase the sales tax.

A similar proposal as a ballot initiative with an offsetting property tax roll-back and levy reductions has been publicly announced. The aforementioned Prosecutor's Option also includes

an opinion concerning a question raised by the County Auditor as to the ability to enact a property tax rollback supported by a sales tax increase. Both options were deemed permissible.

Operating Cost Options

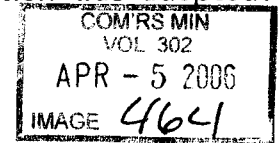
The planned 1,800 bed facility would consolidate three older facilities and result in annual operating savings that partially offset the increased costs of the new facility. The primary savings is the \$2.0 million annual lease payment for the Queensgate facility. In conjunction with the Sheriff's Office, an annual net operating cost of the new facility is estimated at \$7.5 million beginning in mid-2010. This would provide for 170 additional correctional officers.

Table II – Potential Operating Funding Sources

<i>Source</i>	<i>Comment</i>	<i>Advantages</i>	<i>Disadvantages</i>
Booking Fee Requires ORC change – currently set at \$5 per the ORC	A \$5 fee included in current court fees.	The users help pay for the operations.	Court fees and fines are not a consistent revenue sources because they are occasionally waived by judges and associated collection challenges.
City Contribution	The City of Cincinnati would provide an annual contribution to offset operating costs.	Recognizes that the City is a major consumer of jail services. Specifically, 56% of all arrests.	Singles out the City.
Per diem rates for housing federal prisoners U.S. Marshals Service (USMS)	Inter-governmental Agreement (IGA) for up to 200 federal inmates per year for 5 years. Current max is 35 inmates.	No cost to the County, provides for immediate use upon completion of the new facility.	Results in an effective reduction in net additional beds from 800 to 635 for the term of the 5-year agreement.
Sheriff Asset Forfeiture Funding	The Sheriff Department maintains asset forfeiture accounts for various sheriff enforcement actions.	A non-tax.	Not a reliable funding stream. Somewhat restricted use and exclusive control of the Sheriff.
Court Fines and Fees	Set by ORC and applied by Judges.	Users would be shouldering some of the cost to build.	Court fees and fines are not a consistent revenue sources because they are occasionally waived by judges and associated collection challenges.
Expenditure Reductions	Reprioritize expenditures across the entire Hamilton County general fund budget.	Sets funding priority.	Each reduction will have a constituent base to challenge the reduction.
Program Efficiencies	Efforts to provide services for less cost.	Demonstrates good stewardship of limited resources.	Not a consistent funding stream and may be better suited to improved capacity and productivity as opposed to redirecting resources.

We are still assessing options for increase operating costs. The ultimate operating costs will be determined once final design, site location, and size of the facility are finalized.

I am available to discuss this financing plan as you deliberate on this important issue.



**RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO TAKE
CERTAIN ACTION REGARDING
HAMILTON COUNTY CORRECTIONAL FACILITIES**

WHEREAS, the Hamilton County correctional facilities have from time to time insufficient capacity; and

WHEREAS, pursuant to Ohio Revised Code § 107.01, the respective boards of county commissioners are responsible for providing a jail space for their respective counties; and

WHEREAS, pursuant to Ohio Revised Code § 307.15, Butler County and Clermont County have expressed a willingness to provide jail space to Hamilton County by opening currently unused portions of Butler County and Clermont County corrections facilities to provide jail space for Hamilton County prisoners upon the terms and conditions to be agreed upon; and

WHEREAS, the provision of jail space in Clermont County and Butler County will provide an interim solution to Hamilton County's jail capacity issue; and

WHEREAS, Hamilton County needs to develop a comprehensive funding and financing plan to address the County's long term jail capacity and facilities issues; and

WHEREAS, this Board is committed to ensure that the citizens of Hamilton County are sufficiently protected;

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners, Hamilton County, Ohio, hereby authorizes the Hamilton County Administrator Patrick Thompson to pursue agreements with Butler County and Clermont County to provide correctional facilities for Hamilton County prisoners that may be incarcerated at the Hamilton County correctional facilities and to submit such agreements to the Board for its review and approval;

BE IT FURTHER RESOLVED, that the Board hereby directs the County Administrator to develop and present for the Board's review and approval, within sixty (60) days of the date of the resolution, a comprehensive funding and financing plan with respect to the construction of a new correctional facility that sufficiently addresses the jail capacity issues;

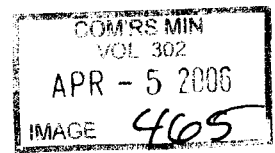
BE IT FURTHER RESOLVED, that the Clerk of the Board be and she is hereby authorized and directed to certify copies of this Resolution to the Hamilton County Administrator Patrick Thompson; Hamilton County Prosecuting Attorney, Joseph T. Deters, and Hamilton County Sheriff Simon Leis.

ADOPTED at a regularly adjourned meeting of the Board of County Commissioners, Hamilton County, Ohio, this 5th day of April, 2006.

Mr. Heimlich AYE

Mr. Portune AYE

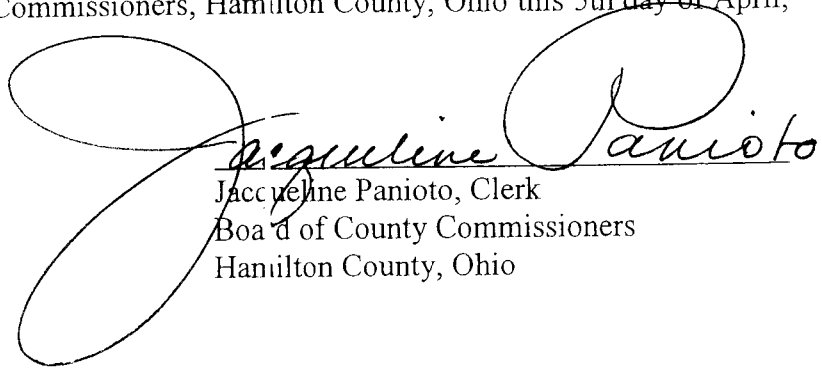
Mr. DeWine AYE

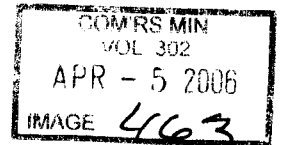


CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a Resolution adopted by the Board of County Commissioners, Hamilton County, Ohio in session the 5th day of April, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the Office of the Board of County Commissioners, Hamilton County, Ohio this 5th day of April, 2006.


Jacqueline Panioto, Clerk
Board of County Commissioners
Hamilton County, Ohio



Item 12-1

Mr. Portune had numerous questions regarding the preliminary work that has been performed with regard to transfer of inmates to Butler and Clermont Counties and asked for a report of all projects County Administration is working on that he may not know about by 5:00 p.m. today.

There being no further comments/questions from the Board...

NOTE: A press conference to update the public will be held at 11:30 a.m., on the Courthouse steps...

Evaluation of Proposed Hamilton County Justice Center Expansion Facility

May 15, 2006

**Prepared for:
Hamilton County Administration**

**Prepared by:
Voorhis Associates, Inc
and
Poggemeyer Design Group**

Executive Summary

In 2005, Voorhis Associates (VAI) and Poggemeyer Design Group (PDG) completed a criminal master planning project which led to the development of a pre-architectural program which recommended the development of a 1,800 bed facility at a remote location from the existing Hamilton County Justice Center (HCJC). As a part of that process, VAI/PDG examined three locations and eleven specific sites. In early 2006, a proposal was developed to determine the viability of the adding the 1,800 beds on the 1.306 acre site immediately adjacent to HCJC. This site was originally evaluated and was determined to be too small. Hamilton County requested that VAI/PDG evaluate the proposed expansion of HCJC, analyze the cost estimate, compare the proposal with the program, and develop a recommendation.

Recommendation

VAI/PDG recommends that Hamilton County not construct an 1,800 bed correctional facility on the proposed 1.306 acre site immediately adjacent to HCJC.

The reasons for this recommendation are:

1. There is no viable strategy for expansion on this site. This facility would eliminate the potential use of this site for the expansion of other criminal justice functions or higher security beds which may be needed in the future
2. There is no viable strategy for phasing the project on this site. Given the potential cost of this project, it is always wise to consider an option which would allow the project to be phased. Vertical expansion is not viable, and the site is already too small to allow horizontal expansion.
3. The size and character of the site create significant design constraints.
 - a. Access to the loading dock as planned has not been shown to be viable.
 - b. Access to the sallyport will be an issue during construction, and staging police vehicles into the sallyport will impact traffic on Eggleston.
 - c. The solution results in a 15 story building; HCJC is approximately 8 stories above the ground.
4. The presence of large utilities under the site creates a higher level of risk for the County. Although the proposed facility has identified a solution to construction over the 72" sewer line, there is some risk to the County if the sewer is damaged. Significant portions of the building are developed over the sallyport.
5. Construction at this location will disrupt current operations.
 - a. Aspects of this are potentially minimally disruptive. However, the more construction occurs **within** HCJC, the more that the process will be disruptive.
 - b. Disruption of current operations translates to potentially longer periods of construction and additional staff costs during the construction process.
6. The proposal raises the issue of renovation of HCJC, but fails to address associated issues.
 - a. Initial review of this proposal suggested a full integration of the two facilities, which in our opinion is logical at this location. However, with this approach, two issues emerge:
 - i. The more construction occurs within HCJC, the more likely that the County will be required to make the entire facility meet code and correctional requirements. This could potentially include the need to return HCJC to single occupancy.

- ii. The most likely phasing strategy would result in new construction first, followed by renovation of vacated areas. This extends the schedule and was not reflected in the plan.
- b. Once the potential issues associated with renovation were identified, the discussion turned to development of a stand-alone second facility, immediately adjacent to HCJC.
- 7. The proposed schedule does not address several likely time parameters.
 - a. The proposed schedule failed to include time for the bidding required by House Bill 231.
 - b. The proposed schedule included optimistic review sequences.
 - c. Since a quicker schedule was a factor in the cost estimate, optimism in scheduling can be translated to optimism in cost estimation.
- 8. The proposed approach suggested that the County was ready to begin the design and construction process immediately.
 - a. Cost of any construction project depends on three things: quantity and quality of space constructed and time.
 - b. At present, the County has defined the quantity, but not the quality. As a result, beginning to work with a design build team with the present documents would provide no method to hold the design-build contractor accountable for the deliverable.
 - c. Typical design build projects should be bid from documents which include room data sheets, schematic design, definition and description of mechanical systems, complete site evaluation and analysis, and no less than performance specifications. Since the County has none of these items, if this approach is used, they must be developed.
- 9. The proposed approach requires significant programmatic compromises in key functional areas. The size of this site results in significant programmatic compromises in critical functions in the jail. These are most significant issues:
 - a. The preferred user's program would result in a first floor footprint of about 105,000 square feet. The site has approximately 60,000, not all of which is buildable.
 - b. Compromises require dividing intake and/or food service on multiple floors, separating intake housing from intake, and dividing housing groups across multiple floors, which results in the need to duplicate space associated with housing groups and has an impact on staffing as well. This was not reflected in either the analysis or the cost estimate.
 - c. Circulation in the program was designed to be predominantly lateral and unescorted for most inmates. Circulation in the proposal will be predominantly vertical, raising the concern that it will become escorted movement.
- 10. This approach increases staffing requirements and long-term operational costs.
 - a. The proposed creates **19** housing groups, on **13** floors rather than **9** groups on either **2** or **3** floors. While this has no impact on the staff in the housing unit, it does impact control and movement/program/utility staff assigned to housing groups.
 - b. The supervision of isolated program areas, such as medical and mental health, will require additional staff, as will the extensive vertical circulation.
 - c. Even assuming that no additional escort staff are added for movement of inmates in the elevators, this approaches requires 35 additional staff at an annual salary cost of \$1,390,000. This translates to \$41,709,000 over 30 years in today's dollars.

Leaving aside the issue of cost, these issues are significant. If the issue truly is that the County believes that it is its best interests to be located downtown, adjacent to HCJC, VAI/PDG suggest a reconsideration of the site previously analyzed which would meet that criteria.

Cost Estimate

VAI/PDG believes that the differences in cost stem from significantly different cost assumptions and has demonstrated this in this document. This report does not dispute that the facility can be constructed for less. Hamilton County needs to determine the amount of risk of additional, unfunded costs that is acceptable and develop its budget in accordance with that.

1. Intent. The intent of the VAI/PDG estimate was to identify all potential costs to the County, assuming the most conservative approach. The intent of the proposal was to illustrate that a project could be constructed for less.
2. Contingencies.
 - a. VAI/PDG provided 12% design and 10% construction contingencies (\$31 million)
 - b. The proposed approach provided 8% design and 7% construction (\$21 million); contingency for construction of the necessary parking garage was not included in the budget. No owner contingency was included.
3. Escalation. In today's construction environment, cost escalation has been extremely volatile. With projects reporting 8% - 12% in the last 8 months, it seems wise to make conservative assumptions.
 - a. VAI/PDG provided 11% of the project budget (\$23.5 million). Cost escalation was carried **through** the construction period.
 - b. The proposed approach provided 5% of the project budget (\$11.2 million). Cost escalation was carried to the **beginning** of construction.
4. Professional Services.
 - a. VAI/PDG estimated professional services at 9%.
 - b. The proposed approach estimated professional services, without legal which was estimated at 19%.
5. Omissions. The proposed approach did not include the cost of a parking garage, which was under-sized where referenced, and included only the design build construction cost. No costs were included for either the basement or a connector between the garage and the facility; costs associated with the potential need to bring HCJC up to code were not included.

In our opinion, the argument that downtown construction is cheaper is a spurious argument since the differences between the two cost estimates stem from different assumptions about the costs identified above and from the omission of items which are either required for the project or are in the County's best interests to maintain. This analysis does not dispute that a project can be built for less than the amount budgeted. The most favorable assumptions regarding contingencies, fees, and escalation applied to the remote site resulted in a cost of \$193 million.

It seems clear that the County needs to make several important decisions and then proceed accordingly in light of their short-term and long-term interests.

1. If the preferred location is the issue and adjacency to HCJC is the underlying theme, then there is a site option that is far more viable which the County could reconsider. However, this option brings with it a number of costs and issues which were included in materials previously reviewed.
2. If the issue is really the budget, then the County needs to consider the amount that would be viable and work to develop a realistic program that identifies the best use of the available dollars. The County will be confronted by the basic issue of finding a balance between capacity (and space needed), preferred and efficient operational characteristics, and resources. In this scenario, the ability to expand and phase the project are even more important.

3. If the County hopes to move this project quickly, and if design-build is seen as an appropriate vehicle to do so, then the County needs to develop the materials which it can use to define project quality and deliverables. In the absence of doing this work, the County would be far better served by a traditional design-bid-build process in which cost control can occur through the development of alternates and management of change orders.

VAI/PDG recognizes that this is a very significant project for the County, and that these are not easy issues to resolve. We also appreciate the fact that URS/Gilbane was tasked with attempting to find an approach that **could** be built on the adjacent site and has illustrated that it is **possible** to build the required space. What this approach has not demonstrated, however, is that the space constructed is consistent with the user's requirements as documented in the pre-architectural program. Although Hamilton County **could** build a facility at this location, whether Hamilton County **should** accept the proposal is, in our opinion, much more questionable. Ultimately, the County must make an informed decision as to which of the proposed approaches is in the County's short-term and long-term interests, which avoids the situation in which the County currently finds itself, and which offers the best solution to meeting its correctional needs cost-effectively.

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Background of the Evaluation

The County contracted with the team of Voorhis Associates (VAI) and Poggemeyer Design Group (PDG) to develop a Corrections Master Plan for Hamilton County in late 2005. Subsequent to the completion of the master plan which recommended a stand-alone 1,800 bed correctional facility, the firm of URS proposed a design for an addition to the existing Hamilton County Justice Center. URS proposal claimed a significant construction cost savings compared to constructing a stand-alone facility. The URS approach also proposed to shorten the construction schedule by using existing County owned property on the site in which URS was retained to design a 600 bed facility in 1996. The County requested that VAI and PDG work with URS to compare and evaluate the URS approach, assumptions and methodology. The scope of services requested is included as Attachment A.

In advance of the work session with URS to clarify their proposal, URS was asked to provide VAI and PDG with all the materials that they had provided to Hamilton County. A list of the items provided is included in Attachment B.

Work Session

To clarify questions remaining from the documents provided, VAI developed a list of questions to clarify based on the materials which were provided. These items are included as Attachment C. A list of attendees is included as Attachment D.

To begin the May 5 work session, URS/Gilbane provided a presentation on their work on the current project and clarified its relationship to the 1996 600-bed project on the same site which did not proceed.

This section of this report provides summary information from their verbal presentation. In January 2006, URS/Gilbane met with management of the Sheriff's Office which expressed a desire for a "big box right next door." URS/Gilbane began with the working assumptions of the 1996 project and, to respond to the request of the Sheriff's Office, was asked to explore:

- if an 1,800 bed project was feasible on this site?
- what such a project would cost?
- how long it would take to construct?
- identify the problems associated with it?

This planning effort began with the same approach as the 600-bed project and, as is typical with most projects, evolved. The first scheme involved development of 1,800 beds in two or three towers. This has been refined to what is essentially a two-tower scheme; the towers are joined on the first floor. URS/Gilbane discussed issues they identified and developed strategies to address in their work. These include:

- the requirements for a 30' separation from HCJC,
- the zoning restriction of a 750' above sea level without a variance,
- the impact of poor soils,
- the presence of large utility lines on the location on which the project is proposed,

Evaluation of Proposed Hamilton County Justice Center Expansion Facility

- the need to maintain the air intake at the second level of HCJC, above the current sallyport, although some materials still suggest that there may be a full second floor on this site , and
- the need to construct 627,230 gross square feet on this location.

In meeting with the Sheriff's Office, URS/Gilbane discussed:

- the potential reuse of existing spaces within HCJC, much as Option 1 of the VAI/PDG program proposed re-use of space within the facility, focusing on the logic of attempting to develop an attached and/or colocated facility which operates seamlessly with HCJC, and
- the need to create an efficient structure which met operational needs, emphasizing function not form, much as the VAI/PDG programming effort focused on functionality, and cost-effectiveness.

Gilbane used information from the 1996 design and comparable projects within the last 10 years to assist them in applying their square foot cost model to the square footage estimate from the VAI/PDG program. Gilbane ultimately used an estimate of \$210/square foot from within a range of \$190 - \$250 per square foot. This cost model will be discussed in greater detail later in this report.

Gilbane has based their schedule on comparable projects. The construction schedule was driven by the need to construct a parking garage. The schedule will be discussed in greater detail later in this report.

Cost Findings

There are both cost and "no-cost" issues associated with the proposed project. Sometimes, these two issues interact. Because we believe that cost is the most salient for the Board of County Commissioners - and because cost has been identified as the great benefit of the proposed HCJC expansion - this item is discussed first. ***It is important to realize that there are two significant costs of a correctional facility. Project cost, which includes both construction and "soft" costs, is the expense of constructing the facility. Operational cost is the cost of staffing and operating the facility over its life-cycle. Typically over a 30 year life-span of a project, for each \$1 spent on construction, somewhere between \$9 and \$15 will be spent to operate the facility.***

Project Cost

Understanding the assumptions on which the two cost estimates are built is the key to making a real comparison. The URS/Gilbane proposal carried over a number of "soft" costs, which creates the impression that these cost estimates are similar. However, items which were omitted from the cost estimate, listed "below the line (such as the parking garage)," or which were included in a "lump sum" construction cost in the URS/Gilbane approach and specified in the VAI/PDG estimate are significantly different. The cost analysis provided below attempts to sort these items out, based on additional information provided during the work session.

Evaluation of Proposed Hamilton County Justice Center Expansion Facility

It is important for policy makers to understand, that at this point in every project, cost estimation is not an exact science; it is very much a mathematical exercise in which the **assumptions** on which the project cost is based are paramount in determining the cost. It is also worth noting that these two cost estimates had very **different** intents, included **different** items, and addressed **different** issues:

- The VAI/PDG cost estimate was driven by the County's request to use the **most conservative assumptions** regarding budget, based on the County experience with past projects in which initial estimates were not adequate, resulting in the need to go back to the Board of County Commissioners for additional funding, to deal with significant cost over-runs. Its main goal was to help the County to set a budget.
- The URS/Gilbane cost estimate was driven by the request to demonstrate that a building **could be built for less funding** than the VAI/PDG cost estimate. To some degree, location next to HCJC is irrelevant, since the set of assumptions on which this cost estimate is based would result in a less expensive facility, of the same size, at any reasonably buildable location. **If the most favorable assumptions regarding the contingencies, cost escalation, and professional services expenses reflected in these two estimates were applied to the VAI/PDG remote site estimate, its budget would fall to \$193,000,000.**

The following table tries to align cost categories consistently to provide a more explicit comparison of the two project cost estimates, since there were a number of items in the URS/Gilbane cost estimate which were combined in construction cost.

Item	Remote Site	%	Big Box	%	Parking Garage	Discussion
Project Data						
Gross SF	627,230		627,230			Estimate of a 300 space parking garage (\$16,000/space) was not included in URS/Gilbane estimate; the \$4.8 million place holder was just the design build cost. The Sheriff's Office indicates that 300 spaces is not adequate and requests 750; the County suggests fewer spaces, but more than 300.
# of Beds	1,804		1,804			
Gross SF/Bed	348		348			
Construction						
Net Building Construction Cost	\$118,774,863		\$107,659,435			Gilbane did not include basement construction cost in the cost model, but the proposed space plan includes a basement
Fixed Equipment	\$2,074,685		\$9,742,565			Gilbane budgeted \$9,742,565 for fixed equipment
Sitework	\$4,500,000		\$1,257,000			
Net Project Construction Cost	\$125,349,548		\$118,659,000		\$12,000,000	
Design Contingency	\$15,041,946	12.0%	\$9,492,720	8.0%	\$960,000	
Escalation	\$23,515,575	18.8%	\$10,252,138	8.0%	\$960,000	VAI/PDG escalation is 5% annually, Spring 08-Spring 10, carried through construction period; URS/Gilbane escalation is 8% to start of construction (Spring 08)

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Item	Remote Site	%	Big Box	%	Parking Garage	Discussion
Total Project Construction Cost	\$163,907,069		\$138,403,858		\$13,920,000	URS/Gilbane included 17% fees in this subtotal; this is now shown in professional fee category
Construction Contingency/Owners' Budget	\$16,390,707	10%	\$0		\$0	URS/Gilbane did not budget for an owner's contingency; VAI/PDG included with the construction contingency
Construction Contingency	above		\$11,335,276	7%	\$974,400	URS/Gilbane based contingency on the included professional fees in the construction cost
Subtotal Construction Costs	\$180,297,776		\$149,739,134		\$14,894,400	This plus the professional fees shown equal the \$173,268,000 identified as the design and construction cost shown by Gilbane
Site						
Acquisition	\$2,344,500		NA		NA	Remote site is based on Option A. Cost of the 1996 acquisition of the adjacent sites required for the URS/Gilbane proposal could theoretically be attributed to this category as well.
Demolition	\$5,354,000		NA		NA	
Phase I Environmental	\$50,000		\$0		\$0	URS/Gilbane assumes not required.
Phase II Environmental, clean-up	TBD		\$0		\$0	URS/Gilbane assumes not required; VAI/PDG does not know if it will be determined.
Geo-technical Services	\$50,000		\$50,000			garage may be included with Big Box
Utility Tap Fees	\$450,000		\$450,000			garage may be included with Big Box
Professional Services						
Design Build Consultant	\$4,917,212	3%				VAI/PDG assumes fees are not included in construction cost
Design Build Fee (including A/E)	\$6,556,283	4%	\$11,072,309	8%	\$960,000	
CM Services	\$0	0%	\$12,456,347	9%	\$1,080,000	
Legal Fees	\$3,278,141	2%	\$3,150,000	2%	\$240,000	URS/Gilbane shows fees as 2% of construction cost w/o contingency; that amount is \$2,768,077; 2% of \$161,933,000 (shown as construction cost on their estimate) is \$3,238,660. An amount which actually generates the amount \$3,150,000 when multiplied by 2% is \$157.5 million
Construction Related						
Permits	\$230,000		\$230,000		\$37,236	
Printing	\$165,000		\$165,000		\$37,236	
Advertising	\$10,000		\$10,000		\$10,000	

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Item	Remote Site	%	Big Box	%	Parking Garage	Discussion
Interest during Construction (2 yrs)	\$5,736,747	3.5%	\$5,513,000	3.5%	\$521,304	URS/Gilbane indicates that this amount is 3.5% of construction cost w/o contingency. The amount \$5,513,300 divided by 3.5% creates an estimated cost of \$157,522,857. 3.5% of \$138,403,858 is \$4,844,135
Builder's risk insurance	\$500,000		\$500,000		\$500,000	
Transition costs (18 months)						
Staffing	\$500,000		\$500,000		\$0	
Office space	\$30,000		\$30,000		\$0	
Transition professional services	\$409,768	0.25%	\$394,000	0.25%	\$0	URS/Gilbane indicates that these services are estimated at 0.25% of an undesignated amount. This number divided by 0.25% results in a total of \$157,600,000
Start up Costs						
Furniture	\$3,720,000		\$3,720,000		\$0	
Detention furniture	\$3,549,600		\$3,550,000		\$0	
Phone system	\$500,000		\$500,000		\$0	
Office equipment	\$2,160,000		\$2,160,000		\$0	
Video-visitation equipment	\$1,000,000		\$1,000,000		\$0	Does not include retrofit of HCJC
Supplies (uniforms, etc.)	\$300,000		\$300,000		\$0	
Weight training equipment	\$192,000		\$192,000		\$0	
Security equipment	\$50,000		\$50,000		\$50,000	
Subtotal Soft Costs	\$42,053,251		\$45,992,656		\$3,435,776	
Total Reported Project Costs	\$222,351,027		\$195,731,790		\$18,330,176	
Total with Garage	\$222,351,027				\$214,061,966	

This analysis shows the potential impact of the parking garage on the project adjacent to HCJC. Rather than a construction cost placeholder, this approach uses the URS/Gilbane model to estimate project costs.

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The following summary table identifies the different assumptions in the two budget models with regard to fees, contingencies, escalation and soft costs.

Item	Remote Site	%	Big Box	Parking Garage	Big Box & Garage	%
Construction	\$125,349,548	56.4%	\$118,659,000	\$12,000,000	\$130,659,000	61.0%
Contingencies	\$31,432,653	14.1%	\$20,827,996	\$1,934,400	\$22,762,396	10.6%
Escalation	\$23,515,575	10.6%	\$10,252,138	\$960,000	\$11,212,138	5.2%
Subtotal Construction	\$180,297,776	81.1%	\$149,739,134	\$14,894,400	\$164,633,534	76.9%
Site	\$8,248,500	3.7%	\$500,000	\$0	\$500,000	0.2%
Professional Services	\$14,751,636	6.6%	\$26,678,656	\$2,280,000	\$28,958,656	13.5%
Construction Related	\$6,641,747	3.0%	\$6,418,000	\$1,105,776	\$7,523,776	3.5%
Transition	\$939,768	0.4%	\$924,000	\$0	\$924,000	0.4%
Start Up	\$11,471,600	5.2%	\$11,472,000	\$50,000	\$11,522,000	5.4%
Subtotal Soft Costs	\$42,053,251	18.9%	\$45,992,656	\$3,435,776	\$49,428,432	23.1%
Total Project Costs	\$222,351,027	100.0%	\$195,731,790	\$18,330,176	\$214,061,966	100.0%

There are significant differences in the degree to which contingencies are funded, the amount of cost escalation which is allowed for, and the proportion of professional services. In short, we believe that the County should consider the following points as they evaluate the cost estimates:

1. With different assumptions about contingencies, cost escalation and fees, any project cost estimate can be reduced.
2. The URS/Gilbane estimate requires that the **County assume a higher degree of risk** by reducing design and construction contingencies. The URS/Gilbane estimate does not include an owner's contingency, which is included in the VAI/PDG cost estimate. Given past problems, the general difficulty of correctional projects, and the very significant challenges of urban construction, it seems more prudent to carry a higher contingency at this stage of the project. This contingency can be reduced as the project is further defined.
3. The URS/Gilbane cost estimate suggests cost escalation of 8%, which carries only through the **onset** of construction. VAI/PDG has noted that construction cost escalation has increased approximately 8% in the last year, and is suggesting a cost escalation of about 18% given the volatility of today's construction market, carried through the **duration** of the project. Given the twenty-four month duration of the construction project, although design build projects create a guaranteed maximum price, a **higher rate of cost escalation should be used if the County wishes to avoid the necessity of decreasing building quality as a method of cost control**.
4. The URS/Gilbane estimate of professional services should be evaluated in more detail. It may be wise to view this in the light of both professional services fees and the general conditions and contractor's profit which also is reflected in the unit costs.
5. The method of cost estimation also differs significantly in these two approaches.
 - a. URS/Gilbane used a cost per square foot cost estimation approach, which is characteristic of projects estimated at this time.

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- b. VAI/PDG used a take-off cost method, similar to the type of analysis which most commonly begins at design development. In this method, the construction cost estimating service identified and costed items the quality of each room as a means of providing greater detail. As a result, there is greater documentation of the level of quality which is planned; this method of cost estimation is viewed as more accurate.

In spite of our efforts to compare the two cost estimates, our final analysis is limited because ***there were a number of items not referenced*** in the URS/Gilbane cost. These items include:

1. Additional construction costs associated with the basement which was identified on the spreadsheet detailing program areas but not included in the cost estimate,
2. The cost of a connector bridge from the garage which was referenced in the work session but not included as either square footage or as an allowance.
3. The costs associated with the garage beyond its design build construction cost. We have attempted to estimate these costs making the same assumptions that URS/Gilbane made regarding the expansion.
4. No cost allowance was estimated for relocation of the 72" sewer line. URS/Gilbane indicates that they do not believe that this will be necessary because of their approach to the structure. Given the costs associated with this project, it is questionable about the viability of either contingency to address any significant issues associated with this line.
5. No cost allowance was identified for renovation of any HCJC spaces to bring them up to code. This issue is related to several program issues raised later in this document, since it is unclear at this time if the URS/Gilbane proposal intends to meet the request of the Sheriff's Office to create a "seamless" expansion of the existing facility or to provide a separate, stand-alone facility adjacent to HCJC.

In the opinion of this consulting team, the argument that the ***downtown*** construction is cheaper is a spurious argument since the ***differences between the two budgets stem from different assumptions about percentage based costs and from the omission of all costs associated with the parking garage which will be required for the downtown expansion project.*** The VAI/PDG team does not dispute that the project can be built for less than the amount ***budgeted*** for the remote site. If the County wishes to establish a lower budget, it will be necessary to explore the level of risk that the County is willing to bear. At the time that the budget was created, the County was averse to any risk of unbudgeted expenses.

Operational Costs

Operational costs will be discussed after the programmatic issues are defined.

Site Findings

Size and Configuration

The URS/Gilbane proposal locates this expansion on the same site as their project which was to construct 600 beds on the 901 Broadway site; this is the former “Board of Education lot” which was acquired by the County in 1996 and is now valued at \$3,746,500. This lot is 1.306 acres (56,889 square feet). The site area was increased in this effort by making the assumptions that:

1. The structure would extend to the sidewalk, with no visual buffer and minimal landscaping,
2. A 30' space between the expansion and HCJC would be created. A number of project materials suggest that portions of the big box abut the HCJC South Tower. This appears to present several issues which require clarification:
 - a. Cell windows on the east side of the South Tower appear to be contiguous to the Big Box, which will not meet the requirements for natural light should the existing windows be blocked.
 - b. The development of windows in the Big Box will require careful treatment to ensure that vision from new housing to existing housing is not allowed. This approach must be consistent with the requirements of the Bureau of Adult Detention.
 - c. The location of air intake for HCJC is above the vehicle sallyport in the south tower. It is not possible to block these air intakes. This implies that it will not be feasible to construct over the current sallyport and that there may be height issues at this location. At the same time, if there is no second level connection to the south HCJC tower, then a connector should be required from the Big Box for circulation to court.
3. The circle area, to the east of and between the two HCJC towers, will be included in the building site, along with a narrow section bordering the north HCJC tower.

With these assumptions, the maximum buildable area on the site increases to 60,934 square feet (based on the 5/5/06 HCJC Project Program Areas). The same buildable area can not be assumed above the first floor. It seems clear that this is a very tight site; although the “Board of Education lot” is regularly shaped, the additional areas are not, which will impact design. The tighter the site, the more its shape and size will influence the design.

Access

The Sheriff's Office already experiences a variety of access issues in this location:

1. Access to the dock area in the north HCJC tower is currently difficult for semi trucks, which must back across Eggleston, blocking traffic. This is already a difficult access path; ***the current design has not identified how the dock would work in sufficient detail to demonstrate that it can, in fact, work.*** In the HCJC construction project, the City would not permit the use of 9th Street for the dock, because of the location of the fire station.
2. Access to the sallyport is currently difficult because of its shape and size. Although it is clear that URS/Gilbane has developed a far more adequate sallyport in the proposed design, access for law enforcement vehicles has the potential to continue to create new traffic problems. The area currently used for staging law enforcement vehicles into the sallyport is the area on which the new sallyport is proposed. Should staging be required in the future, it would occur on Eggleston, a public street.

Utilities

By far the most significant utility issues on this site relate to the three large utility lines located in and around this site. ***The URS/Gilbane plan makes no allowance for any unusual utility costs and indicates that a solution exists to avoid relocation of the major sewer line by use of a structural slab.***

The 72" sewer line passes between the north and south HCJC towers. This utility was seen as such a concern during the HCJC project that it drove the decision to develop two towers, rather than a single unified facility. URS/Gilbane has taken the approach that a structural foundation using grade beams to construct the sallyport over the existing sewer would eliminate the need to relocate the utility. It is important to note that the proposed plan involves construction of twelve additional floors of structure over the sallyport. ***This is another area in which it is necessary for the County to determine the amount of risk that it is willing to assume.*** If the URS/Gilbane approach works (which can't really be validated until after the project is complete), then this is not an issue. However, if it does not and it becomes necessary to relocate the sewer, this would be a significant unbudgeted cost under the URS/Gilbane proposed project budget.

Planning Findings

Expansion

One of the most important site evaluation criteria for the County was the ability to provide for expansion. It is very clear that population forecasting is anything but exact. Given our relative inability to quantify exactly the jail population of twenty years from now, it is fool-hardy to say we know with certainty what the County's jail needs will be. As a result, the ability to expand with maximum ease of construction, minimal construction cost and minimal disruption of operations becomes very important.

The master plan developed in late 2005 was built on the assumption that the design should provide a core facility to accommodate the estimated County capacity needs to 2025, but build the bed space needed to 2015. During this time, those agencies and programs which focus on preventing and reducing recidivism are to increase their efforts. Should they be successful, the capacity recommended in the master plan could last the County for perhaps as much as 10 additional years.

There are decided differences in the ability of the two locations to accommodate expansion:

1. All of the remote sites evaluated (as well as the one downtown location that was large enough to provide for expansion) easily allow lateral expansion by the addition of housing. These sites also provided adequate future site area for additional parking.
2. The Board of Education location has only one potential method for expansion - into an adjacent 7.35 acre parcel ("the pit") currently used for parking. When this site was evaluated, it became clear that there would be significant costs associated with this location.
 - a. Its initial cost was estimated in excess of \$4.6 million.

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- b. Its use for employee parking by County employees and event parking by the City would result in the need for a very large parking garage to replace the number of parking spaces which would have been eliminated. This was seen as a high cost to the project.
3. As a result, any future expansion at the downtown location would be very costly - and the County has no guarantee (unless it purchases this parcel at this time, which should then be shown as a project cost) that it would be available at the time when expansion would be required.

Effectively, use of this site creates a project with no expansion capability and which effectively restricts the ability for any other expansion, such as a potential court expansion, at this location. The potential for expansion vertically is discussed in the next section.

Phasing

During the work session, a question was raised regarding the ability to phase the URS/Gilbane proposed project. ***Given the large size of this project and the cost impact on the County, this is a question which should be taken seriously.*** The response provided at the work session was that the most likely expansion strategy, given the small size and tightness of this site, would be vertical; all at the work session indicated that this method almost never occurs. Vertical expansion results in construction over an operating building, which is highly disruptive. In the combined multiple years of project experience of persons gathered at the work session, there was no example of vertical expansion which occurred - even when it was originally planned.

As a result, the logical conclusion appears to be that any project built adjacent to HCJC should be viewed as the whole project; phasing of the project does not appear viable. However, although phasing of the 1,800 beds was not recommended, it clearly would be feasible on the remote site if funding constraints require it since the facility has been planned to allow expansion to occur horizontally.

Impact on Current Operations During Construction

Access

The most significant issues associated with access during construction are:

- access to the vehicle sallyport, during construction of the new sallyport,
- access to the loading dock, and
- construction access adjacent to the facility.

All recognized that at some point the current sallyport would be closed; the duration of that closure is not determined. As a result, the degree of disruption and the potential solutions are speculative.

- If the duration is short-term (several weeks - an arbitrary parameter), the Sheriff's suggestion that police officers park (somewhere adjacent to a rear entry) and walk prisoners in is certainly viable. While the consultant believes that this suggestion will not be met cheerfully by the police agencies who transport inmates and will create a number of issues for Sheriff's transport officers

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moving large numbers of inmates to court, with some additional corrections or enforcement staff to provide additional security, this is clearly manageable. A consideration not discussed which should be considered is where these vehicles will park during the booking.

- If the duration is longer (2 months - another arbitrary parameter), the URS/Gilbane suggestion of using portions of the parking garage as a way to bring prisoners into the facility should be considered. The issue associated with this approach is linked to whether there is a connection between the garage and the facility (an unbudgeted cost) and where this connector enters the facility (also an unknown at this point).
- If the duration is longer still (4 months - another arbitrary parameter), the VAI/PDG suggestion of building a temporary booking area - which could potentially be in the garage - should be considered. This is another potentially unbudgeted item. Subsequent suggestions of shifting some habitable spaces into the parking garage (seen as a wash in terms of cost since the spaces would come out of the “big box” and into the garage) could provide a location for a temporary booking facility. However, the potential impact on completion of the parking garage could shift, since finish construction, with some type of HVAC, is likely to take longer. There is also the potential need for a second finish cost for the ultimate use of this area and potential conflict between the simultaneous proposed construction and correctional uses of this area.

Renovation

The location of an expansion facility adjacent to HCJC, particularly one which is to operate “seamlessly” raises the issue of renovation. Initial discussion during the work session suggested potential renovation of several areas within HCJC. The most likely are food service, the current intake, public and staff access, control systems, and current corrections administration. There are several issues associated with renovation of HCJC which merit consideration before proceeding in this vein.

- In all previous projects VAI/PDG has completed in Ohio, renovation within an existing facility resulted in the issue of bringing the facility up to compliance with current codes. To this point, VAI/PDG did not do a code review of HCJC to determine the magnitude of changes which have occurred since the facility was constructed. ***As a result, the potential impact of renovation is an unknown, and the County should require a code review (also unbudgeted) if the project follows this approach.*** The most obvious issue is compliance with the requirements of the Bureau of Adult Detention (BAD). At this point, only BAD can indicate what its position on renovation in this area would be. In past projects, the cost of the construction project in comparison with the value of the building and/or the square footage actually “touched” have been determining factors. The most potentially damaging requirement to the County would be the requirement to return HCJC to single occupancy, and the VAI/PDG team believes this ***could*** occur in almost any significant change to system capacity. The County should vigorously oppose reducing capacity at HCJC using any reasonable argument. In our opinion, the greater the distance from HCJC, the greater the ease of this argument. However, if the County should not prevail, then the ability to expand the project becomes even more critical.
- Renovation in any operating correctional facility is disruptive. Typical requirements include the development of procedures for escorting construction workers and movement of materials into the facility. These will result in additional staffing requirements during the construction period.
- The logical way to approach a renovation project - particularly one in which these specific spaces are renovated - is to construct the new space first, move operations to that location and then renovate the vacated area. This ***extends*** the duration of the

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construction project, and **this does not appear to be reflected in the schedule**. We agree that there is a potential cost savings associated with renovated vs new construction. However, contingencies associated with renovation of existing areas are typically somewhat higher at this time in a project - and the increased duration of the project has the potential impact cost escalation as well, particularly in the URS/Gilbane cost estimate which did not include escalation beyond the onset of construction.

- The logical thing to do in a renovation project is to create a single point of public entry and a separate single point of staff entry. While there are few issues around directing staff to the correct access point, a significant construction project at the public entry point has the potential to be disruptive to the public.

Schedule Findings

During the work session, the schedule was reviewed. Several significant issues emerged:

- Development of the parking garage was viewed as a key to starting the project, since it solved a number of contractor mobilization issues. Suggested modifications of the parking garage could extend the time required to complete it.
- The schedule reflected only 20-day periods for Bureau of Adult Detention review. In prior projects, these reviews have taken considerably longer. The typical strategies varied from waiting (which extends project duration) to moving forward without comment (which increases the risk),
- The schedule did not include any periods for the bidding required by House Bill 231 (the Qualification-Based Selection of Professional Services).

In the opinion of the consultant, this raises several issues for County clarification:

1. The County should solicit an opinion by the County Attorney as to whether the project can proceed into either development of design build documents or the design build project itself, without a bid process. VAI/PDG has taken the more conservative scheduling approach in that both the development of design build documents and the design build project itself would be bid.
2. The County does not have the design build documents required to properly define the quality of the project. In our experience with successful design build projects, it is critical for the County to have the following documents to control **quality** since cost and square footage are set:
 - a. Room data sheets, defining the quality to be provided in each room, including acoustics, casework/millwork, CCTV, ceilings, communication equipment, detention equipment, doors/hardware, electrical, floors, furniture (fixed, institutional and other moveable), HVAC, lighting, plumbing, security systems, specialties, walls (base, type and finish), and windows (exterior and interior)
 - b. Schematic design, illustrating that the program can be built within the square footage estimated, and providing no more than a 10% variance from each room net.
 - c. HVAC delivery system
 - d. Site evaluation, indicating all utilities, roads, grading, and other site work, and
 - e. Specifications, at no less than a performance specification level, including cut sheets for all items of equipment.

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As a result, with the proposed approach and the current level of documentation, the County effectively has no way of controlling the quality of the facility they are delivered.

Program Findings

The URS/Gilbane proposal as illustrated in the 5/5/06 HCJC Project Program Areas illustrates that it is **possible** to construct 627,230 square feet of correctional space on the site adjacent to HCJC. The ability of that space to be functional and consistent with the program, however, has not been illustrated. As noted in the work session, at this point, the distribution of square footage in the referenced spreadsheet is more a mathematical than a programmatic analysis. This proposed approach results in the development of a facility which is 15 stories (including the penthouse) to provide the square footage identified in the program.

During the meeting, representatives of the Sheriff's Office identified the functions which **they preferred** to locate on the first floor. The table below provides an estimate of the space preferred on the first floor.

Area/Component		Gross SF of First Floor	Comment
Preferred First Floor			
Intake	Sallyport	13,380	
	All Other	13,770	
Transportation & Release	Release Processing	2,410	
	Transport Staging	4,200	
	Court Staging		Suggest that this remain in an unchanged existing intake area
Housing	Intake Housing	25,679	2 intake housing units and associated support space; the SF shown is the gross of the expected footprint, assuming stacked cells with a mezzanine
Visiting	Video Visiting	8,760	Assumes original programmed + capacity for 1,200 inmates at HCJC
	Special Visiting Suite	3,510	
Support Services	Food Service	19,065	Assumes central dining for males, females and officers is remote from the food preparation area
	Dock and Receiving	3,485	Assumes storage is remote; previous downtown option required enclosed dock, resulting in additional SF added to existing program
	Vehicle Maintenance	4,570	Could potentially go in the garage
Corrections Administration		5,910	
Total		104,739	

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Area/Component		Gross SF of First Floor	Comment
"Must do" First Floor			
Sallyport		13,380	
Release		2,410	
Transport Staging		4,200	
Intake Housing		25,679	If intake housing were located above intake, then theoretically, all other intake space could fit on the first floor at 59,610 gross SF. This suggests that it is mathematically possible to make this fit on the site. This however, recreates the problem which exists in the current intake in which inmates who are going to court share areas with inmates who are being admitted and separates a number of functions that would be better located on the same level.
Visiting (Public Areas Only)		3,300	
Food Service		19,065	
Dock & Receiving		3,485	
Total		71,519	

The above table illustrates the crux of the programmatic problem although there are similar issues on the second floor as well. While there is a buildable facility on this site, it is not clear that the proposed solution is consistent with either the user's preferred program or a "reduced" option. Ultimately, the user must decide how much compromise is acceptable. That decision must be informed in the light of at least two issues: staffing implications of the separation and Bureau of Adult Detention reactions to the approach.

Identified Program Inconsistencies

Initially, this analysis included a comparison of the inconsistencies between the proposed approach and the program. However, a detailed discussion of similarities and differences is less useful than a discussion of several larger programmatic issues.

Circulation, Movement and Site Relationship to HCJC

It is also not clear how the floors of the two sections of the big box (the area constructed over the sallyport) and the larger rectangular component link. Some aspects of the solution suggest that these floors are connected, while others suggest that they are separate. This is a key factor in circulation, since separation of these two structures essentially creates one large and one small tower, in which circulation occurs by going to the first floor, moving horizontally and then going up. This is the problem experienced in the current facility and is part of why the user indicates that the eight elevators in this 1,200 bed HCJC facility are not adequate.

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Proposed Housing Reconfiguration

Housing units in the original program were divided into groups, which shared support areas, such as recreation, multi-use, janitorial, storage, staff offices, etc. Each group was divided based upon workload associated with the type of inmate held in this area. Each group shared supervisory and support staff, such as movement/program/support supervision officers. Some housing groups, predominantly the medical and mental health units, were developed around a single control room for each group. Housing in the HCJC Project Program area spreadsheet was shown on thirteen levels. Housing as proposed in the VAI/PDG program would exist on no more than three levels.

Attributing space to these housing support areas was done in the URS/Gilbane programming exercise by dividing the housing support areas **proportionately** across multiple floors. ***In reality, that will not be feasible.*** While staff offices can be located on one of the floors, inmates need access to all of the support areas. The program was designed to allow unescorted movement within these housing groups. Vertical escorted movement is possible, but is more difficult - and more labor intensive - than horizontal movement. ***This suggests that some square footage will need to be duplicated, which was not addressed in the analysis.*** This will increase the area that needs to be constructed.

Prior Evaluation of HCJC Expansion (Old Option 1)

Finally, it is worth noting that the first option of the original VAI/PDG program ***did*** consider a plan to integrate the expansion with HCJC. As a part of that process, the program estimated the square footage for an integrated solution. That solution required more square footage (approximately 723,840); a significant, but undefined, amount was determined to be probable renovation. This should, at a minimum, raise the question as to whether the lower square footage discussed in this document accurately describes the space needs of an integrated facility.

Staffing Findings

The VAI/PDG program also estimated staffing patterns for an expanded facility. The facility used true net annual work hours and applied the staffing efficiency principles used by the Sheriff's Office in Queensgate as a model for future staffing. The total staffing increase planned for all three options were:

- 170 staff associated with housing and all other functions which resided in the new or expanded facility,
- 5 additional staff associated with operating the existing intake area on specified shifts in the two remote options, and
- 4-20 transportation staff, with the preferred remote option requiring 8 transport staff (1 less than current transportation allocations).

The efficiencies were obtained by grouping large numbers of inmates (the housing groups shown in the program) into a total of nine housing groups. The strategy used in this grouping scheme was to:

- maximize the number of inmates that were supervised indirectly from a secure control post,
- minimize the number of secure control areas that were required,
- maximize the potential for unescorted inmate movement,

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- provide the minimum number of movement/program/utility officers per each housing group (typically 1) to provide supervision for movement, programs, and all functions which occur outside of housing pods within the housing zone, and
- use staff assigned to each housing group to manage any large scale movement (typically to dining), much as the officers manage this movement in Queensgate.

There are two factors which will result in the need to modify this staffing pattern upward in the URS/Gilbane proposal:

- splitting three housing groups across multiple floors, essentially creating seventeen housing groups, rather than nine, and
- providing key service areas, at considerable vertical distance from housing, resulting in the need to use elevators rather than corridors or stairs as the primary circulation method.

Two of the three housing groups which were split (female medical/mental health, male mental health, male intake/orientation, which was actually split on four floors), were specialty housing. All of the specialty units were designed to operate with a mixture of direct and indirect supervision. There is a single officer in each housing unit, supported by an officer in a secure control. The separation of these units effectively results in the addition of three 24/7 posts, each of which will require 5.23 officers. The units which were split were female medical/mental health and male mental health, which was actually divided on two floors and separated from its control, which was located in the male medical unit. This action adds **15.68 FTE** at an annual cost of **\$625,640**.

In addition, the newly created housing groups (6) now do not have any escort/utility/movement staff. In the case of all the groups except for female medical/mental health and male mental health, the easiest solution is to divide the resource allocated between the floors. However, for the specialty population, given the volatility of this group, more than a single officer should be available to manage inmates out of the housing unit and to back up staff in the unit. As a result, for these two newly added units, it will be necessary to add at least one additional officer on three shifts. This will require **10.45** additional officers at an annual cost of **\$417,093**.

These movement/program/utility officers were used to supervise inmates in the mental health and medical clinics and to ensure that those who came to the clinics from other units got off the floor and back to housing. If these functional areas remain separate from housing, then it will be necessary to add staff to supervise these medical and mental health areas. If we are able to staff each of these areas with a single officer on 8 hours, it will require **3.48 FTE** at an annual cost of **\$139,031**.

Because of the degree to which movement was lateral and had minimal impact on central control, the staffing in the control center was limited to 2 officers on 2 shifts and 1 officer on the third shift. If movement is predominantly vertical and controlled, this level of staffing no longer seems realistic. Assuming that only one additional officer would be required 24/7, then it will require **5.23 FTE** at a cost of **\$208,547**.

Evaluation of Proposed Hamilton County Justice Center Expansion Facility

Additional Staff Requirements	FTE	Annual Cost
Additional Control Officers	15.68	\$625,640
Additional Movement/program/utility staff for split units	10.45	\$417,093
Supervision of isolated health areas	3.48	\$139,031
Addition control position	5.23	\$208,547
Total	34.84	\$1,390,311
Cost over 30 years		\$41,709,330
Annual salary is based on \$39,900 per CO		

Until the circulation question between HCJC and the Big Box is resolved and the question regarding movement from the tower constructed over the sallyport to the major part of the "big box" is clarified, it is difficult to say what the impact of vertical circulation will be. In one institution that the consultant has evaluated, staff were found to spend an average of 80 hours per year waiting for elevators. As a result, while this analysis believes that there will be a staffing impact of vertical circulation, it is impossible to quantify at this time. However, it is possible to integrate the information above to determine operating cost impact. This approach suggests that the vertical scenario, as it

is currently defined, is likely to result in the need to add 34.84 additional staff, at an annual cost of \$1,390,311 in today's dollars and a 30 year cost of \$41,709,339. If the County determines that it wishes to proceed at the HCJC site, development of a strategy that would eliminate this adverse impact on the staffing pattern would be essential.

Attachment A: Scope of Services

From the materials provided to the County by the URS/Gilbane Team, VAI:

1. Compare the URS proposal to the program plan recommended in the VAI report and identify any deviations;
 2. Compare cost estimates and cost estimation methods of the two proposals;
 3. Assess the square footage assumptions of the URS proposal;
 4. Perform a “room by room” functional comparison of the URS proposal;
 5. Evaluate approach to site considerations, such as parking in the URS proposal;
 6. Identify any issues in code compliance which are immediately apparent from provided materials;
 7. Identify differences in project schedule assumptions;
 8. Identify other issues associated with this approach, such as contractor mobilization; and
 9. Determine the staffing plan requirement of the URS proposal and compare to the VAI report.
- The results of this comparison are developed in this report which the County may treat as an addendum to the original VAI report. If the materials provided by URS do not address or do not allow the comparison, this report will indicate that the materials did not address the item in enough detail to allow a comparison. This report will include a summary of findings and recommendations as to a course of action concerning facility location, design, operations and project schedule.

Attachment B: Materials Provided by URS/Gilbane

All of the materials initially provided are listed below along with their current status and replacement documents, where applicable:

1. Hamilton County Corrections Justice Center Expansion Project Cost Model - Project Summary, dated 3/15/06, Gibane, ***replaced by more detailed:***
 - a. ***Cost Model - Project Summary, dated 5/5/06, provided 5/5/06***
 - b. ***Cost Model - Summary Big Box Option B, dated 5/5/06, provided 5/5/06***
 - c. ***Clarifications to Cost Model & Schedule, dated 5/5/06, provided 5/5/06***
2. Hamilton County Corrections, Option B Stacking Diagram, dated 10 April 06, URS, ***advised 5/5/06 that this diagram is not the option under consideration, not replaced***
3. Hamilton County Corrections, Option A Existing Site Plan, dated 10 April 06, URS, ***advised 5/5/06 that this diagram is not the option under consideration, although this is the location, not replaced.***
4. Hamilton County Corrections, Option B First, Second, Fifth and Twelfth Floor Plans, dated 10 April 06, URS, ***advised that these diagrams are not the option under consideration, although this is the location, replaced by Option B - Big Box Diagram, provided 5/5/06***
5. Hamilton County Corrections, Option B Perspective View, dated 10 April 06, URS, ***not replaced, essentially the same***
6. Hamilton County Corrections, Option B Perspective View, dated 10 April 06, URS, ***not replaced, essentially the same***
7. Hamilton County Corrections, Option B Site Plan, dated 10 April 06, URS, ***not replaced,***
8. Gilbane/URS, Hamilton County Corrections, Justice Center Expansion Project, Option B - Big Box, 1884 Beds, Schedule, ***replaced by schedule provided on 5/5/06, undated***

Attachment C: Agenda and Discussion Items

Agenda **Meeting to Clarify URS HCJC Expansion Proposal**

Date: May 5, 2006

Time: 8:30 AM - 11:30

Location: 138 East Court Street, Room 603

Purpose: To exchange information and clarify the URS Proposal

Materials

Reviewed: Hamilton County Corrections Justice Center Expansion Project Cost Model - Project Summary, dated 3/15/06, Gibane
Hamilton County Corrections, Option B Stacking Diagram, dated 10 April 06, URS
Hamilton County Corrections, Option A Existing Site Plan, dated 10 April 06, URS
Hamilton County Corrections, Option B First Floor Plan, dated 10 April 06, URS
Hamilton County Corrections, Option B Second Floor Plan, dated 10 April 06, URS
Hamilton County Corrections, Option B Fifth Floor Plan, dated 10 April 06, URS
Hamilton County Corrections, Option B Twelfth Floor Plan, dated 10 April 06, URS
Hamilton County Corrections, Option B Perspective View, dated 10 April 06, URS
Hamilton County Corrections, Option B Perspective View, dated 10 April 06, URS
Hamilton County Corrections, Option B Site Plan, dated 10 April 06, URS
Gibane/URS, Hamilton County Corrections, Justice Center Expansion Project, Option B - Big Box, 1884 Beds, Schedule

These appear to be summary materials. It would be helpful to provide any supporting documentation which clarifies these items. The County has asked us to focus on Option B - Big Box.

Attendees:	County Representatives:	Ron Roberts, Counsel to Commissioners Christian Sigman, Budget Director John Bruggen, Budget Analyst
	Poggemeyer Design Group:	Linda Amos, Principal Owner Robert Wolfe, Architect
	Voorhis Associates	Gail Elias, Principal

We may also have representatives Facilities and the Sheriff's Office if they are able to attend.

8:30 Introductions

8:45 Presentation of Proposed Approach

URS Team

- It would be very helpful for us to understand the URS proposal, particularly the assumptions made in putting this together. A briefing could help us understand the intent of the proposed facility, including its program, general orientation and arrangement, relationship to HCJC, the basis for the cost estimate, the schedule and construction phasing. *Note: I know that you shared some of this information with me when we talked earlier, but hearing it again would be very helpful.*
- 9:30 Working Session URS, VAI, & PDG
The intent of this working session is to make sure that we all understand the proposal in the same way and are clear about its relationship to the current project. To help us be focused and use our time efficiently, we've put together a series of discussion topics and/or questions.
- 12:30 Tentative Close of Working Session

Discussion Items

Discussion items have been divided into the following categories: program (including stacking), cost estimate, schedule, and general issues. These are likely to overlap so please excuse any duplication.

1. Program
 - a. Pre-architectural Program Document - is there a prepared prearchitectural program document? If so, please provide a copy. If not, to what degree was the pre-architectural program on which the bed capacity was based used in development of the proposed solution?
 - b. How does this program relate to the previous project?
 - c. Site
 - i. The site diagram provided is for Option A, but there is no site diagram for Option B. Are they identical? If not, please provide a site diagram for Option B.
 - ii. What is the plan for on-site utilities? There is a very large sewer line (72") which runs between the two HCJC towers. Since Tower 3 appears to be built on this location, what is the plan for relocation of this utility?
 - d. Stacking Diagram vs. Perspective View
 - i. Please explain the relationship of the perspective view and the stacking diagram. We are having difficulty walking from one to the other since they do not appear to be the same.
 - ii. Is a basement proposed?
 - e. Net and Gross Square Footage
 - i. What is the gross square footage, by floor, represented in the stacking diagram? For both tower I and tower III?
 - (1) 1st
 - (2) 2nd
 - (3) 3rd
 - (4) 4th

- (5) 5th
 - (6) 6th
 - (7) 7th
 - (8) 8th
 - (9) 9th
 - (10) 10th
 - (11) 11th
 - (12) 12th
 - ii. What is the net square footage, by floor, represented in the stacking diagram? For both tower I and tower III?
 - (1) 1st
 - (2) 2nd
 - (3) 3rd
 - (4) 4th
 - (5) 5th
 - (6) 6th
 - (7) 7th
 - (8) 8th
 - (9) 9th
 - (10) 10th
 - (11) 11th
 - (12) 12th
 - iii. What is the square footage of the footprint of the facility in relationship to the square footage of the site?
 - iv. Does the square footage differ by floor or are they the same?
 - v. How does this square footage of these drawings relate to square footage on which the cost estimate was based?
- f. Numbers of Beds -
 - i. Please confirm that the dashed line on the stacking diagram represents stacked cells with a mezzanine and that the stacking diagram provides 1,884 beds, 1, 260 of which are in dormitories and 624 of which are in single cells.
 - ii. The County has identified a need for a capacity of 1,800 inmates in the following housing types:
 - (1) Single cell = 464 (126 female and 384 male)
 - (2) Double cell = 122 double cells (capacity 244, 92 female and 152 male)
 - (3) Four person cell (female only, special purpose) and
 - (4) Dormitory 1,080 in dormitories (300 female and 780 male).
 - iii. Where are these beds located in the stacking diagram for the following classifications of inmates? How many beds are available for each?
 - (1) Female

- (a) Housing Type and Group 1 - 188 beds of primarily single cell housing
 - (i) mental health (32)
 - (ii) medical (32)
 - (iii) medical/mental health transition (32)
 - (iv) female orientation and assessment (60)
 - (b) Female Housing Type and Group 2 - 300 beds of dormitory housing
 - (i) Female general population (120)
 - (ii) Female program housing (120)
 - (iii) Female pre-release housing (60)
 - (c) How does this relate to the 192 beds designated for females in the stacking diagram? Where are the other 300 beds?
- (2) Male
- (a) Housing Type and Group 1 -
 - (i) 144 beds of male mental health housing in primarily single cells
 - (ii) The stacking diagram shows 96 beds of male psych in Tower III. Where are the other 48 mental health beds?
 - (iii) Please confirm that these are stacked cells with a mezzanine level.
 - (b) Housing Type and Group 2
 - (i) 144 beds of male medical housing in single and double cells, one of which is a male infirmary
 - (ii) Please identify the location of the infirmary (one of these units) on the stacking diagram.
 - (iii) The stacking diagram shows 96 beds of male medical.
 - (iv) Please confirm that these are stacked cells with a mezzanine level.
 - (v) Where are the other male medical beds?
 - (c) Housing Type and Group 3
 - (i) 240 beds of single occupancy housing for intake (120) and orientation (120)
 - (ii) The stacking diagram shows 48 beds of intake housing and processing/intake for males.
 - (iii) Where are the additional beds located on the stacking diagram?
 - (d) Housing Type and Group 4
 - (i) 240 beds of dormitory housing for male general population.
 - (ii) Where are these beds located on the stacking diagram?
 - (e) Housing Type and Group 5
 - (i) 180 beds of dormitory style housing for male general population and the Turning Point program.
 - (ii) Where are these beds located on the stacking diagram?

- (f) Housing Type and Group 6
 - (i) 180 beds of dormitory style housing for substance abuse treatment and male inside workers.
 - (ii) Where are these beds located on the stacking diagram?
- (g) Housing Type and Group 7
 - (i) 180 beds of dormitory style housing for pre-release and outside work details.
 - (ii) Where are these beds located on the stacking diagram?
- iv. What was the reason for modification of the types of beds provided (See Figure 1)?

Figure 1 Types of Beds provided

Bed Comparison	VAI Program	URS Proposal
single occupancy	464	624
double occupancy	122	0
dormitory	1,080	1,260

- g. Functional Components -
 - i. Intake and Sallyport -
 - (1) Please explain where these are located and how they are intended to function in the proposed scheme.
 - (2) How much net square footage is available for this function?
 - ii. Admissions and Classification -
 - (1) Please explain where these are located and how they are intended to function in the proposed scheme.
 - (2) How much net square footage is available for this function?
 - iii. Transportation and Release -
 - (1) Please explain where these are located and how they are intended to function in the proposed scheme.
 - (2) How much net square footage is available for this function?
 - iv. Security and Control -
 - (1) Please explain where this is located and how it is intended to function in the proposed scheme.
 - (2) How much net square footage is available for this function?
 - (3) How does this relate to controls in the existing HCJC?
 - v. Housing -
 - (1) The stacking diagram suggests that there are 2 level outdoor recreation areas associated with each floor. These aren't reflected on either the block diagrams or the stacking diagram. How does the proposed facility provide for recreation?

- (2) Besides cells, dayrooms, and showers, what types of space are included in the square footage allocated to each housing floor?
 - (3) The County has identified a need for a strong, compartmentalized female offender program. How does the proposed design provide for a distinct and separate female offender area?
- vi. Health Care -
 - (1) Please explain where this is located and how it is intended to function in the proposed scheme.
 - (2) How much net square footage is available for this function?
 - (3) Where are the male and female clinics located?
 - (4) How does this relate to the male and female medical and mental health housing areas?
- vii. Programs -
 - (1) Please explain where this is located and how it is intended to function in the proposed scheme.
 - (2) How much net square footage is available for this function?
 - (3) Where are the male and female program access zones located?
- viii. Visitation -
 - (1) Please explain where these are located and how they are intended to function in the proposed scheme.
 - (2) How much net square footage is available for this function?
 - (3) Where does the public access these areas?
- ix. Support Area -
 - (1) Food service
 - (a) Please explain where this is located and how it is intended to function in the proposed scheme.
 - (b) Is this a centralized or decentralized delivery strategy?
 - (c) How much net square footage is available for this function?
 - (d) Where is the loading dock located?
 - (e) How does this relate to the current kitchen in HCJC since the SF included in the 627,000 relates to 2,000 inmates? What is the plan to provide for the existing population of HCJC?
 - (2) Laundry
 - (a) Please explain where this is located and how it is intended to function in the proposed scheme.
 - (b) Is this a centralized or decentralized delivery strategy?
 - (c) How much net square footage is available for this function?
 - (d) How does this relate to the current laundry in HCJC since the SF included in the 627,000 relates to 500 female inmates?
 - (3) Dock and Janitorial
 - (a) Please explain where this is located and how it is intended to function in the proposed scheme.
 - (b) How much net square footage is available for this function?
 - (c) Where is the loading dock located?

- (4) Maintenance Shops and Offices
 - (a) Please explain where this is located and how it is intended to function in the proposed scheme.
 - (b) How much net square footage is available for this function?
 - (5) Vehicle Maintenance
 - (a) Please explain where this is located and how it is intended to function in the proposed scheme.
 - (b) How much net square footage is available for this function?
 - (6) Commissary
 - (a) Please explain where this is located and how it is intended to function in the proposed scheme.
 - (b) How much net square footage is available for this function?
 - (7) Corrections Administration
 - (a) Please explain where this is located and how it is intended to function in the proposed scheme.
 - (b) How much net square footage is available for this function?
 - (c) How does this relate to a number of Sheriff's Office functions which were to go into the area which was vacated by jail administration?
 - (8) Staff Support
 - (a) Please explain where this is located and how it is intended to function in the proposed scheme.
 - (b) How much net square footage is available for this function?
 - (9) Courts
 - (a) Please explain where this is located and how it is intended to function in the proposed scheme.
 - (b) How much net square footage is available for this function?
- h. Circulation and Movement
 - i. How will circulation occur between Tower I and Tower III?
 - ii. How will circulation occur between the new towers and existing HCJC?
 - iii. How will circulation occur between the new towers and the courts?
 - iv. How many elevators of what type are suggested?
 - v. What is the plan for emergency egress?
 - vi. What is the plan for inmate movement?
- i. Expansion - What is the plan for expansion in the proposed facility?
- j. Mechanical
 - i. What is the square footage allocated for mechanical?
 - ii. What is the plan for mechanical chases, etc on floor 12 given the character of the floors (open dormitories) below?
- k. Staffing - Has a staffing plan been developed for this option? If so, please provide it.
- l. Parking Garage
 - i. How was the size of the parking garage determined?

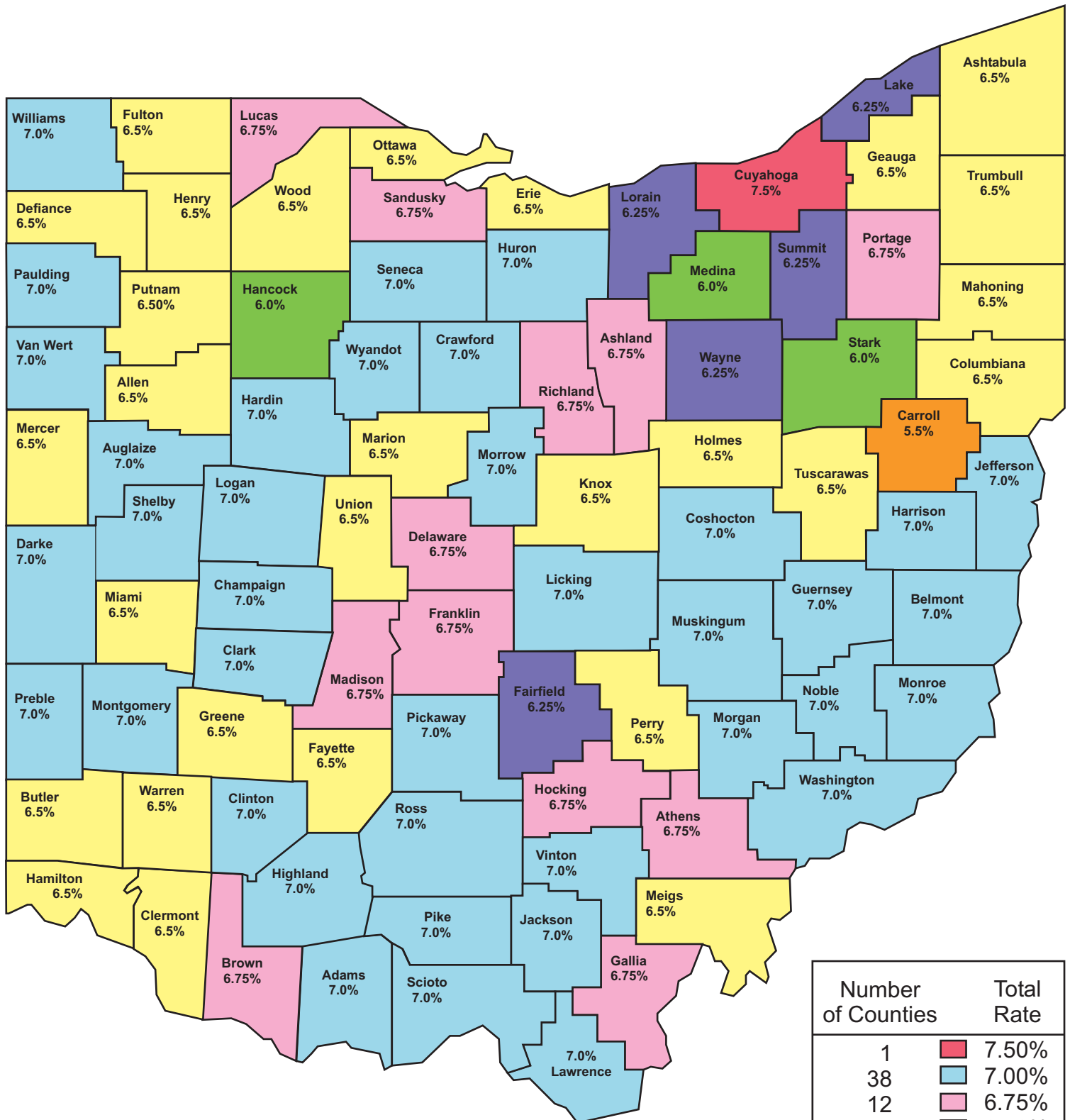
- ii. Who is it to accommodate?
 - (1) Staff?
 - (2) Volunteers?
 - (3) Other agencies?
 - (4) Public?
 - m. How does the proposed facility relate to the 600 bed facility previously developed?
 - i. What are the similarities?
 - ii. What are the differences?
 - iii. Is a copy of the program for the 600 bed facility available?
- 2. Cost Estimate
 - a. What are the working assumptions on which this cost estimate is based?
 - b. The cost estimate identifies a need for 1,800 beds; the stacking diagram identifies 1,884. Please clarify.
 - c. Professional services
 - i. Design build consultant and design build fees (A/E) are not shown on this estimate. What percentage is used?
 - d. What is the cost basis and amount for the following items?
 - i. Foundations
 - ii. Substructure
 - iii. Superstructure
 - iv. Exterior closure
 - v. Roofing
 - vi. Interior construction
 - vii. Conveying systems
 - viii. Mechanical
 - ix. Electrical
 - x. General conditions and profit
 - xi. Fixed and moveable equipment included in contract
 - xii. Sitework
 - xiii. Contingencies - design & construction
 - xiv. Escalation
 - (1) When is the anticipated start of construction?
 - (2) How many months of cost escalation are included?
 - e. Is there back-up detail for the summary cost estimate?
 - i. Parameter costing by area?
 - ii. Parameter costing of interior finishes, doors, specialties?
 - f. Is there a cost differential for high rise and mid-rise construction? If so, what is it?

- g. What is the adjustment for downtown construction, including a complex construction process and contractor mobilization?
 - h. What is the allowance for poor soils conditions at this location?
 - i. What is the cost of relocation of the sanitary sewer line which runs between the two HCJC towers and on which Tower 3 is built? This does not appear to be reflected in the cost estimate.
 - j. Parking garage - Why was this cost not included in the project cost?
- 3. Schedule
 - a. Please clarify the working assumptions of the schedule.
 - b. Since the budget appears to use a design build approach, where is time for bidding the design build project shown in the schedule?
- 4. General Discussion Items
 - a. What strategies will be required to allow HCJC to remain fully operational during the construction of the facility?
 - b. What allowance has been provided in the budget to address any items required by a?

Attachment D: List of Attendees

Name/Title	Firm	Phone #
Bob Stasia, Regional Business Development Manager	Gilbane	614-418-3016
Patrick Thompson, County Administrator	Hamilton County Administration	513-946-4420
John P. Bruggen, Senior Budget Analyst	Hamilton County Office of Budget and Strategic Initiatives	513-046-4316
Gail Elias, Principal	Voorhis Associates	303-665-8056
Linda Amos, Principal	Poggemeyer Design Group	419-352-7537
Sonny Hamizadeh, Director of Architecture	Poggemeyer Design Group	419-352-7537
John Michel	Hamilton County Public Works	513-946-4770
Christian Sigman, Director	Hamilton County Office of Budget and Strategic Initiatives	513-946-4300
John Geyer,	URS	614-464-4500
Daniel Imlay	URS	614-464-4500
Mike Russell, Project Manager	URS	614-464-4500
Chris Whitney, Vice President, Architecture	URS	513-651-3440
Kurt Smith, Senior Manager Special Projects	Gilbane	614-418-3028
Ed Rittmayer, Senior Project Manager	Gilbane	817-421-5466
Simon Leis, Sheriff	Hamilton County Sheriff/s Office	513-946-6400
Sean Donovan, Chief Deputy	Hamilton County Sheriff's Office	513-946-6413
Joseph M. Schmitz, Director of Corrections	Hamilton County Sheriff's Office	513-946-6606

Total State and Local Sales Tax Rates, By County Effective June 2006



New Rates:

Carroll County 5.50% (previously 6.50%)
Putnam County 6.50% (previously 6.75%)

Number of Counties	Total Rate
1	7.50%
38	7.00%
12	6.75%
28	6.50%
5	6.25%
3	6.00%
1	5.50%



JOSEPH T. DETERS
HAMILTON COUNTY PROSECUTING ATTORNEY

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PHONE: 513 946-3040
FAX: 513 946-3018
WWW.HCPROS.ORG
WRITER'S DIRECT DIAL NUMBER
946-3159

June 12, 2006

Patrick Thompson
County Administrator
County Administration Building, Suite 603
138 East Court Street
Cincinnati, Ohio 45202

Re: Proposed County Sales Tax Increase

Dear Mr. Thompson:

At your request, we have reviewed issues related to the proposed increase in the county sales tax. The proposed increase is intended to provide a funding mechanism for the construction of a new jail facility. You have also indicated that there will be an accompanying reduction in property taxes in the event that the sales tax is enacted. We have researched questions related to the method by which the proposed tax will be adopted, the legality of providing a reduction in the property tax levy, and the requirements of state law with respect to placing the issue on the ballot. Our findings are consistent with the advice you previously received from your staff. They are:

1. Revised Code Section 5739.021 provides that a county may enact a sales tax for the purpose of providing additional general revenues or supporting criminal and administrative justice services – or both – at a rate of not more than one percent. The tax may be levied in any multiple of one-fourth of one percent. Your staff has advised that county's available taxing authority under this section currently stands at one-half of one percent. The tax may be enacted as an emergency measure without a prior vote of the electors of the county. In the event that the Board chooses to levy the tax as an emergency measure, the resolution may be subject to a referendum as provided in Section 5739.021. The Board may choose not to enact the tax as an emergency measure and submit the question to the electors of the county. As you have indicated that it is the desire of the county administration to submit this issue to the voters prior to the collection of any tax, questions related to the election process and its timing are discussed below.
2. Revised Code Section 5705.313 provides that whenever a Board of County Commissioners adopts a resolution under 5739.021, it may also adopt a resolution reducing the rate of any property tax the county is levying for current expenses within the ten-mill limitation. The reduction may not exceed the amount of the estimated annual revenue that will be received

Patrick Thompson
County Administrator
June 12, 2006

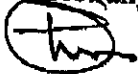
Page 2

through the sales tax. The reduction may be for a specified number of years. In the event that the resolution is adopted, no other taxing authority within the county may levy on any portion of the rate not levied on by the county until the expiration of the specified number of years that the reduction is in effect.

3. The last day that an issue may be presented to the Board of Elections for the November election is August 24, 2006. To place the issue on the ballot, a copy of the resolution enacting the tax must be filed with the Board of Elections prior to 4:00 pm on that day. The resolution should also contain a statement that the Board of County Commissioners is directing the Board of Elections to conduct the election. Revised Code Section 5739.021 requires that the Board of County Commissioners hold two public hearings prior to the adoption of the resolution levying the tax. The Board must give notice of the date, time, and location of these hearings by publication in a newspaper of general circulation within the county once a week on the same day of the week for two consecutive weeks. The second publication must occur not less than ten nor more than thirty days prior to the first hearing. The second hearing must be held not less than three and not more than ten days following the first.

It should be noted that August 24th is only a little more than 10 weeks away. Between now and then the Administration must develop the proposed ballot language, schedule the public hearings, and enact the resolutions to levy the tax and reduce the property tax. If it is the intent of the Board to accomplish these things in time for the November election, the process should begin immediately.

Respectfully,



James W. Harper
Chief Assistant Prosecuting Attorney